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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/401,495	09/22/99	MARSCHOLL	K 08204.035

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LINIAK BERENATO LONGACRE & WHITE
6550 ROCK SPRING DRIVE
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EXAMINER

STRIMBU, G

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 08/02/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/401,495

Applicant(s)
K. Marscholl

Examiner
Gregory J. Strimbu

Group Art Unit
3634



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Sep 22, 1999 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Information Disclosure Statement

The information disclosure statement filed March 17, 2000 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of the 2323784 German Patent Publication which is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

The drawings are objected to because it is unclear why there are two crossbars 14 shown in figure 1. It appears that one of the crossbars would interfere with the movement of the other crossbar as the window is raised and lowered. The drawings are objected to because the applicant has used the same reference character to refer to different embodiments of the same element of the invention. For example, the applicant uses reference character "14" to refer to the crossbar in figures 1 and 2. However, since the crossbar in figure 2 is different from the crossbar in figure 1, it requires a different reference character from figure 1 such as --14'--. It should be noted that figure 3 suffers from the same problem. In figure 3, it is suggested that the applicant include the reference character "7" to agree with the specification on page 8, line 23. Correction is required.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the other actuator affixed in an

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unguided manner to one cable segment must be shown or the feature(s) canceled from claim 5.

No new matter should be entered.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Specification

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the applicant amend the title to include the rigid coupling connecting the two actuators as set forth in claim 1.

The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- (c) Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.

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1. Field of the Invention.
 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
 - (g) Brief Description of the Several Views of the Drawing(s).
 - (h) Detailed Description of the Invention.
 - (i) Claim or Claims (commencing on a separate sheet).
 - (j) Abstract of the Disclosure (commencing on a separate sheet).
 - (k) Drawings.
 - (l) Sequence Listing (see 37 CFR 1.821-1.825).

The disclosure is objected to because of the following informalities: on line 8 of page 1, “at the mounting structures” is confusing since the applicant has set forth only one mounting structure above; on line 22 of page 1, “between the runners and the guide plate” is confusing since it is unclear how the drive unit can be between the runners and the guide plate when it appears that it is only mounted to the drive plate; on line 13 of page 4, recitations such as “ie” on line 19 of page 4 should be changed to --i.e.-- to avoid confusion; “and.” on line 13 of page 4 appears to be a typographical error; on line 22 of page 6, “aggregate’s support” is confusing since it is unclear what the applicant is attempting to set forth; on line 10 of page 7, “outer sides” is confusing since it is unclear what element of the invention has the outer sides the applicant is referring to; recitations such as “illustratively” on line 10 of page 7 are confusing since it is unclear if the guides are only shown as guide rails or if they actually are guide rails; on line 14 of page 7, “looped” is confusing since it is unclear how the roller is looped; on lines 5-6 of page 8, “[t]hese brackets” is confusing since it appears that the applicant is referring to the braces rather

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than setting forth brackets; on line 7 of page 8, “of the drive motor” is grammatically awkward and confusing; on line 21 of page 8, it appears that “support sheetmetal” should be changed to --sheetmetal support--; on line 22 of page 8, it appears that “support sheetmetals” should be changed to --sheetmetal supports--; on line 1 of page 9, “of its own” is grammatically awkward and confusing. Finally, the list of references on page 12 should be either deleted or moved to the specification, i.e., page 9.

Appropriate correction is required.

Claim Objections

Claims 2-12 are objected to because they do not begin with an article such as “the” or “a”. To avoid confusion, it is suggested that the applicant change “Window” on line 1 of claims 2-12 to --The window-- or --A window--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “two cable segments (3, 5) running substantially parallel to each other” on lines 2-3 of claim 1 render the claims indefinite because the portions of the cable which comprise the cable segments change as the window pane is moved up and down. In other words,

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the portions of the cable which are parallel to each other when the window pane is up are different from the portions of the cable which are parallel to each other when the window pane is down. Therefore, the portions the applicant is referring to on lines 2-3 of claim 1 cannot be adequately determined. Recitations such as "the window pane" on lines 3-4 of claim 1 render the claims indefinite because they lack antecedent basis. On line 4 of claim 1, it is suggested that the applicant insert --a respective-- following "to" to avoid confusion. Recitations such as "at the mounting structure" on line 5 of claim 1 render the claims indefinite because they are grammatically awkward and confusing. Is the guide merely at the mounting structure or part of the mounting structure? Recitations such as "preferably" on line 7 of claim 1 render the claims indefinite because it is unclear if the applicant is setting forth a limitation of the claim or merely setting forth a preference. It is suggested that the applicant delete "preferably" on line 7 of claim 1 to avoid confusion. Recitations such as "a crossbar" on line 2 of claim 2 render the claims indefinite because it is unclear if the applicant is referring to the coupling set forth above or is attempting to set forth another element of the invention in addition to the coupling set forth above. Recitations such as "the form of a crossbar" on line 2 of claim 3 render the claims indefinite because it is unclear what comprises a cross bar form. Recitations such as "and/or" on line 2 of claim 4 render the claims indefinite because it is unclear if the applicant is setting forth "and" or "or". Recitations such as "the separation between . . . or the slides" on lines 2-3 of claim 4 render the claims indefinite because it is unclear what the applicant is attempting to set forth. It appears that the applicant is merely referring to the separation of the cables, however, the

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applicant confusingly refers to actuators. Recitations such as “or” on line 3 of claim 4 render the claims indefinite because it is unclear which one of the two non-equivalent alternatives the applicant is attempting to positively set forth. Recitations such as “the slides” on line 3 of claim 4 render the claims indefinite because they lack antecedent basis. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by “such as” and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 4 recites the broad recitation “approximately 2/3 the width of the window pane” on lines 3-4, and the claim also recites “preferably less than about half the width of the window pane” on line 4 which is the narrower statement of the range/limitation. Recitations such as “in unguided manner” on line 2 of claim 4 in addition to being grammatically incorrect renders the claims indefinite because it is inaccurate and/or misdescriptive since the cable segment guides the actuator. Recitations such as “one cable segment” on line 2 of claim 5 render the claims indefinite

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because it is unclear if the applicant is referring to one of the cable segments set forth above or is attempting to set forth a cable segment in addition to the ones set forth above. Recitations such as “in one guide” on line 2 of claim 6 render the claims indefinite because it is unclear if the applicant is referring to the guide set forth above and how both of the actuators can be guided by one guide. Recitations such as “the at least one guide” on lines 1-2 of claim 7 render the claims indefinite because they lack antecedent basis. Recitations such as “both guides” on line 2 of claim 7 render the claims indefinite because the applicant has set forth only one guide above.

Recitations such as “an individually handled component” on line 3 of claim 8 render the claims indefinite because it is unclear what the applicant is attempting to set forth. What comprises an “individually handled component”? Recitations such as “the ends of the cable system” on lines 1-2 of claim 9 and “the cross bar” on line 3 of claim 9 render the claims indefinite because they lack antecedent basis. Recitations such as “i.e.” on line 2 of claim 9 render the claims indefinite because it is unclear if the applicant is positively setting forth the crossbar or merely suggesting a preference. Recitations such as “four reverser rollers” on lines 1-2 of claim 10 render the claims indefinite because it is unclear if the applicant is referring to the reversing rollers set forth above or is attempting to set forth rollers in addition to the rollers set forth above. Recitations such as “the end zones of the mounting structure” on line 2 of claim 10 render the claims indefinite because they lack antecedent basis. Recitations such as “at least one, preferably both” on lines 1-2 of claim 11 render the claims indefinite because it is unclear if the applicant is setting forth one or both of the actuators. Recitations such as “designed as” on line 2 of claim 11 render the claims

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indefinite because it is unclear if the actuators actually are slides or are merely designed to be slides. Recitations such as "the slide elements" on lines 1-2 of claim 12 render the claims indefinite because they lack antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, 7, and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent Publication No. 796 54 851. German Patent Publication No. 796 54 851 discloses a motor vehicle window lift comprising a mounting structure (not shown but comprising a component of the vehicle door, i.e., the inner door panel), a drive means 3, a cable system 1 having two cable segments running substantially parallel to each other, several reversing rollers 4, 5 for the cable system and two actuators 20 for the window pane 7, each affixed to one of the cable segments, at least one actuator 20 being displaceably guided in a guide 10 at the mounting structure, characterized in that the two actuators are connected to each other by a substantially rigid coupling 8. The rigid coupling 8 is a cross bar which is detachably attached to the actuators 20.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent Publication No. 796 54 851 as applied to claims 1-3, 6, 7, and 9-12 above, and further in view of Kimura et al. Kimura et al. disclose a mounting structure B3 having a width is less than approximately 2/3 the width of the window pane B1.

It would have been obvious to one of ordinary skill in the art to provide German Patent Publication No. 796 54 851 with a width, as taught by Kimura et al., to reduce the amount of space required in the vehicle door to mount the window lift.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent Publication No. 796 54 851 as applied to claims 1-3, 6, 7, and 9-12 above. German Patent Publication No. 796 54 851 is silent concerning how the guides are attached to the mounting structure. However, it would have been no more than an obvious matter of engineering design choice for one with ordinary skill in the art to screw, rivet or weld the guides to the mounting structure.

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Allowable Subject Matter

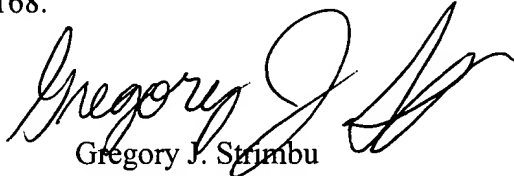
Claim 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for indicating allowable subject matter: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach a window lift as set forth in claim 1 wherein the other actuator is affixed to and only guided by the other of the cable segments.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakamura et al., Simon et al., and Japanese Patent Publication No. 642,256 are cited for disclosing a rigid coupling. Medebach, Brauer, and Marscholl et al. are cited for disclosing a window lift wherein the ends of a cable are adjustable mounted to the actuators. Moriya et al., Ugawa et al., Maekawa, and Yamagata et al. are cited for disclosing a mounting structure. Djordjevic, Dupuy, and Zimmerer et al. are cited for disclosing a window lift wherein both of the actuators are attached to a cable of the cable system in an unguided manner. Fenelon is cited for disclosing a window lift wherein only one of the actuators is guided by a guide element.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is (703) 305-3979. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 4:30 P.M. The fax phone number for this Group is (703) 305-3597. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", is written over the printed name.

Gregory J. Strimbu
Patent Examiner
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